REMARKS

The Non Final Office Action mailed December 31, 2008 has been reviewed and carefully considered. Reconsideration of the above-identified application in view of the following remarks, is respectfully requested.

Claims 1-13 are pending in this application.

Claims 1-13 are rejected.

There are no amendments being made in connection with this response.

§102 REJECTIONS

Claims 1-13 were rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent Publication 2001/0012366 Van Rijnsoever et al. (hereafter referred to as 'Rijnsoever').

The present invention, as claimed, involves a system having at least two terminals (claimed as "a main terminal" and "at least one secondary terminal"). That is, in order for the conditional access content reception system to work, the present invention requires at least two terminals, one of which further includes a pairing and pairing verification modules. Each of the two terminals may comprise set top boxes or decoders. Furthermore, it is significant to note that each of the main and secondary terminals in the present invention comprises its *own* means for checking its access authorization, e.g., by using a smart card. *See* specification, page 4, lines 12-15 and lines 19-21 and 28-31, reciting:

"[A]s it is necessary to pay to access the content 10, viewing it requires interconnection of the **access terminals 14, 16 such as the decoders**, between each

television 12 and a shared network 18 for distributing the content 10. One of these access terminals will be called the main terminal 14."

"The main terminal 14 comprises a unit 20 for processing the content. This unit processes the content 10 in a manner which is known per se so as to allow it to be viewed on the television 12."

"The main terminal 14 likewise comprises a module 22 for checking the authorization to access the content 10. This checking module 22 compares the user's access rights, which are stored on a smart card inserted into the terminal, for example, with information from the content 10 in order to determine whether the user can access the content. ... "

"The other terminals 16 are called secondary terminals. **These terminals 16 likewise each comprise a content processing unit 20 which is identical to that of the main terminal 14 and also a module 22 for checking the authorization to access the content 10, which resembles that which the main terminal 14 contains. However, they also comprise pairing and pairing verification modules 25."**

[emphasis added]

The present invention relies on an exchange of information (a pairing verification) between at least two terminals (e.g., between a secondary and a main terminal) in order for content to be accessed. That is, a local area network links each secondary terminal to the main terminal so as to allow the exchange of information which regularly ensures that the secondary terminals, for which the additional cost to the user is marginal, are actually being used within the home. *See* specification, page 5, lines 1-4. The present invention involves checking the access by the secondary terminal to the content by verifying the pairing between the secondary access terminal and the main terminal and not authorizing access to the content by the secondary terminal unless the verification is positive. This advantageously allows regular verification that the secondary terminal is being used permanently within the limits of the local area network and is not being used wrongfully outside the user's home, and permits using, e.g., two decoders within a single household while paying a reduced fee (i.e. less than two subscriptions). *See* specification, page 6,

lines 11-20.

In the review of the Rijnsoever reference, there is no disclosure or suggestion of having two terminals where there is a verification of a pairing between a secondary terminal and a main terminal. Rijnsoever, at best, teaches a reception receiver 7, a smart card reader 9, where the smart card component additionally comprises an entitlement control message (EMC) decoder 10 which can be used for decoding pay per view (PPV) and pay per use (PPU) programming. Such a system can be used to descramble content, but there is nothing about this system discloses or suggests any type of functionality between a main terminal and a second terminal, which "comprises means for exchanging information between the main terminal and each secondary terminal for the purpose of implementing the pairing and the verification of the pairing between the secondary terminal and the main terminal," as claimed in Claim 1.

Applicant is assuming that the Examiner is arguing that the receiver (7) and the smart card (9) are terminals. This is not correct as Rijnsoever states the opposite in paragraph 0001:

"a descrambler, an entitlement control message decoder and means for recording entitlement identifications are associated to the receiver. ..If a match between the entitlement identification in the entitlement control message and the recorded entitlement identification exists, the entitlement control message decoder supplies a control word to the descrambler for descrambling a part of the received scrambled content for which the receiver is entitled."

It is clear from this cited paragraph of Rijnsoever that the ECM decoder and the descrambler are part of the same device (same receiver). This disclosure of Rijnsoever is opposite of what the Examiner uses the reference for.

There is an additional feature of Claim 1 that cites "at least two terminals, each configured for accessing the content" where the content is conditional access content. This feature is neither disclosed nor suggested in Rijnsoever. The reference does show that a smart card accesses the ECM (control messages) and the receiver receives the content. There is nothing however (if one agrees with the Examiner's premise about the presence of two terminals, which the Applicant disagrees with) that the smart card accesses content itself, unlike the present invention of Claim 1.

The Examiner's cited example as the "match between the ECM and stored entitlement" as being same if not similar to the pairing of terminals as claimed in Claim 1. At best, the matching of an ECM and a stored entitlement would provide one to playback or record content to a terminal where such a matching is done within the same terminal (or components of the same terminal). The smart card's control word which authorizes the content of Rijnsoever does not disclose a specific pairing between a main and a secondary terminal, as in Claim 1.
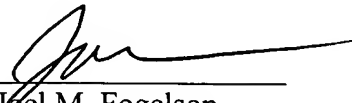
For the reasons given above, Applicant asserts Claim 1 is patentable. For the same reasons given for Claim 1, Applicant asserts Claims 7, 10, and 13 are patentable. Applicant also asserts that Claims 2-6, Claims 8-9, Claims 11-12 are patentable, as such claims depend on allowable Claims 1, 7, and 10, respectively.

Applicants request a three-month extension under 37 C.F.R. 1.136(a) to file this response. The fee for this extension and any other fees for this response are to be charged to representatives Deposit Account No. 07-0832.

Respectfully submitted,

Dated: June 𝒯𝒪 2009 · ·   By:

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CERTIFICATE OF MAILING under 37 C.F.R. §1.8

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: 6/30/09

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